

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3219

To amend the National Environmental Policy Act of 1969 to clarify the application of that Act to extraterritorial actions of the Federal Government.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1993

Mr. OWENS introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To amend the National Environmental Policy Act of 1969 to clarify the application of that Act to extraterritorial actions of the Federal Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CLARIFICATION OF APPLICATION OF NA-**  
4                               **TIONAL ENVIRONMENTAL POLICY ACT OF**  
5                               **1969 TO EXTRATERRITORIAL ACTIONS.**

6       (a) STATEMENT OF GENERAL ENVIRONMENTAL  
7       POLICY.—Section 101(b) of the National Environmental  
8       Policy Act of 1969 (42 U.S.C. 4331(b)) is amended—

9                       (1) in paragraph (5) by striking “and” follow-  
10       ing the semicolon;

1           (2) in paragraph (6) by striking the period and  
2       inserting “; and”; and

3           (3) by adding at the end the following new  
4       paragraph:

5           “(7) provide world leadership in ensuring a  
6       healthy and stable global environment.”.

7       (b) FEDERAL AGENCY ACTION REGARDING GLOBAL  
8       ENVIRONMENT.—Section 102(2)(F) of the National Envi-  
9       ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(F)) is  
10      amended to read as follows:

11           “(F) recognize the global and long-range char-  
12      acter of environmental problems and work vigorously  
13      to develop and implement policies, plans, and actions  
14      designed to support national and international ef-  
15      forts to enhance the quality of the global environ-  
16      ment;”.

17      (c) ENVIRONMENTAL IMPACT STATEMENTS FOR  
18      EXTRATERRITORIAL ACTIONS.—Section 102 of the Na-  
19      tional Environmental Policy Act of 1969 (42 U.S.C. 4332)  
20      is amended—

21           (1) by inserting “(a)” before “The Congress au-  
22      thorizes”; and

23           (2) by adding at the end the following:

24           “(b)(1) The requirement to include detailed state-  
25      ments under subsection (a)(2)(C) applies to

1 extraterritorial major Federal actions significantly affect-  
2 ing the environment.

3 “(2)(A) The President shall include with each pro-  
4 posal by the President or the Executive Office of the Presi-  
5 dent for legislation to implement any trade agreement sig-  
6 nificantly affecting the environment that is signed after  
7 December 16, 1992, a detailed statement in accordance  
8 with the requirements applicable under subsection  
9 (a)(2)(C) to an extraterritorial major Federal action of an  
10 agency.

11 “(B) Any person aggrieved by a failure by the Presi-  
12 dent to comply with subparagraph (A) may in a civil ac-  
13 tion obtain appropriate relief.

14 “(3) In this subsection, the term ‘extraterritorial  
15 major Federal action’—

16 “(A) includes any major Federal action in the  
17 United States that has effects outside of the United  
18 States; and

19 “(B) does not include any Federal action taken  
20 to protect the national security of the United States,  
21 votes in international conferences and organizations,  
22 actions taken in the course of an armed conflict,  
23 strategic intelligence actions, armament transfers, or  
24 judicial or administrative civil or criminal enforce-  
25 ment actions.”.

